

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 31, 2016 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Gaylor Baird; Council Members: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; City Clerk: Teresa J. Meier.

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

RAYBOULD Having been appointed to read the minutes of the City Council proceedings of October 24, 2016, reported having done so, found same correct.

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MAYOR AWARD OF EXCELLENCE

Mayor Beutler came forward to present the Mayor's Award of Excellence for the Month of September, 2016. The award was presented to Lincoln Police Officers: Thomas Stumbo, Alan Pickering, Shane Jensen, Joseph Fisher, Megan Schreiner, and Nate Hill. The team serves as School Resource Officers or SRO's as they call them, at Lincoln's Public High Schools. They were nominated by Captain Genelle Moore in the category of customer relations and productivity for their work on a 2 day youth police academy. The SRO Police Academy Clubs were established in all 6 public high schools in 2013. The club introduced various students to a number of aspects of the law enforcement professions. The students participate in group exploration, discussion, and hands on activities of various types. In January, the SRO's decided to expand the program by offering a 2 day youth police academy at Southeast Community College in May. The team of Officers recruited 35 participants, ages 14 through 18. They collaborated with the Lincoln Police Union for monetary support. Chic-Fil-A, Super Target and 2 retired Police Officers also donated services or provided financial support. The program included a welcome from Police Chief Bliemeister, presentations of LPD's organizational structure, described how to become a police officer, described some of the equipment, and had K9 demonstrations. The students also participated in practical exercises such as, meth lab attire, evidence handling, crime scene evidence recovery, emergency vehicle operation, radar device operation, and motor vehicle traffic stops. The students also learned about the interview process and the interrogation of suspects and victims process. They participated in real life scenarios involving crimes in process, building searches, and handcuffing techniques. Student evaluations were completed at the end of the academy, the feedback was very positive. Captain Moore wrote, "In review, the SRO's 2 day efforts fulfilled each of the established program goals, as well as relating positively to a segment of Lincoln's youth population."

Jeff Bliemeister, Chief of Police, came forward and shared he was brand new as Police Chief when the youth academy started and he appreciated being involved and being able to attend and make a few remarks. More importantly, it is always a discussion about how to have positive interaction with the youth of the community. Interaction that will eventually lead youth to have positive interactions in their adult lives and to possibly look for a career in law enforcement.

PUBLIC HEARING

APPLICATION OF BLINK RESTAURANTS, INC. DBA CULINARY UNDERGROUND FOR A CLASS C LIQUOR LICENSE AT 728 Q STREET, SUITE B;

MANAGER APPLICATION OF NICK A. FRALEY FOR BLINK RESTAURANTS, INC. DBA CULINARY UNDERGROUND AT 728 Q STREET, SUITE B - Nick A. Fraley, 13051 N. 40th, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF LETICIA MARTINEZ AND MANUEL ALVAREZ CASTRUITA DBA TIA LETY'S RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 2701 NORTH 27TH STREET - Lisa Lozano, 5533 S. 27th Street, Suite 203, Attorney for applicants, came forward to take the oath and requested approval.

This matter was taken under advisement.

MANAGER APPLICATION OF KAREN R. GRAY FOR DANMAC, INC. DBA THE KEG AT 104 NORTH 20TH STREET - Karen Gray, 2320 W. Laguna Road, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS, ARTICLE 1, SECTION 6, TO INCREASE FEES FOR REQUIRED SERVICES TO BUSINESS AND INDUSTRY - Judy Halstead, Director of the Lincoln-Lancaster Health Department, came forward and explained that when the biennial budget was being looked at, the environmental fees were included. Council previously approved fees for water, wastewater, and food establishment fees. The air quality fees were not brought in front of Council due to some changes being made and the Health Department wanted everything to be looked at as a package. The air quality program changes will cover 2 years and cover the current biennium. The fee increases are approximately 3%, as was the case with other environmental fees. Previously, for those 90-95 sources who pay based on how much they emit, which before was based on 0-500 tons, 501-1000 tons, and anything over 1000. There is one policy change, and because there is only 1 source in this jurisdiction, which is Nebraska Public Power District Coal Fired Plant at Hallam Sheldon Station. The specific change is anything over 1000 is just defined as Sheldon Station. That is also changed to be a flat fee instead of a fee based on emissions because their emissions have fluctuated, and it is anticipated when they move forward with their partnership with Monolith that they will continue to fluctuate. This flat fee is being established to help them plan and help the Health Department plan. The flat fee amount is \$500,000 for the 2016 emissions and \$500,000 for the 2017 emissions. Each of these are payable the following spring. NPPD is aware of the change and they are in support of the flat fee change. This will maintain stability within the Health Department program over the next couple of years of change. This will require no City tax dollars or County tax dollars for the Air Quality Program. This is a business that is in the County jurisdiction, and because of that the City Council has to approve the fee changes as does the County Board.

Joe Citta, Corporate Environmental Manager with Nebraska Public Power District, 1414 15th Street, Columbus, came forward and shared it is hard to predict the power market and what can be expected with the emissions. There are ranges of emission fees and having a set fee helps with the budgeting stability, and NPPD is in support of the flat fee.

Carl Eskridge, Council Member, asked what the changes were going to be at the Plant.

Mr. Citta explained they are partnering with a private entity called Monolith, who will produce a compound called Carbon Black. Typically, in the past, this has been done with using heavy oil and that is a very high emission process. This new process will use energy and electricity from NPPD. The electricity will be purchased from the local supplier that will be in an oxygen efficient area that will then split the hydrogen and creating a pure form of carbon dust. The coal plant will reduce their emissions and they will be using the clean emissions from hydrogen. Discussion followed.

Leirion Gaylor Baird, Council Chair, asked what the fluctuation of costs used to be before setting the flat rate.

Ms. Halstead explained the range of fees for NPPD, and part of the reasoning for establishing the flat fee is because in the last 5 years they have ranged anywhere from approximately \$400,000 up to \$700,000 in fees they have paid. Most recently, it was \$544,000, but averaging over the last 5 years is right around \$500,000. During the past year with changes and being part of the Southwest power pull, they have had some reductions in emissions, but that number will not be known until the end of 2016. The emission year is the calendar year, and not the fiscal year. Their reduction this year could be in the neighborhood of around 60% reduction.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 1-15, 2016 - Jeff Kirkpatrick, City Attorney, came forward and explained that after the resolution was sent out there was more information received about the one claim that the City recommended paying. Due to more information, the motion to amend is to pull that claim to further clarify who is at fault in that case.

Carl Eskridge, Council Member, clarified that pulling the claim back, does not mean recommending denial, it just means it is still pending.

Mr. Kirkpatrick confirmed that pulling the claim from this resolution means it is still pending and does not recommend denial.

This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN CITY EMPLOYEES ASSOCIATION (LCEA) FOR A TERM EFFECTIVE AUGUST 11, 2016 THROUGH AUGUST 31, 2018 - Doug McDaniel, Director of Human Resources, came forward and shared this is a 2 year agreement with LCEA - Lincoln City Employees Association. Wages for the first year are 2.5%, and 2.4% in the second year. Human Resources has successfully decreased the eligibility for longevity to be effective in the second year. There were 7 classifications that were limited to 14 individuals that were increased in pay ranges through negotiations. There were some adjustments made to contributions in the single and family health contributions, one of which went down and the other went up. There were also changes made in the plan design for the maximum out-of-pocket expenses. Comp time was also extended to nonexempt. Comp time is when someone works overtime, they can now take their comp time and bank it, and use it at a later date.

Jon Camp, Council Member, stated the federal mandates are coming up and they have plans that are called Cadillac Plans, and asked how this will effect or not effect the changes with health insurance.

Mr. McDaniel said the deadline for the ACA and Cadillac excise tax was extended. Within this plan, changes were within the limits and there was no exposure.

Terri Pope-Gonzalez, 349 S. 1st Street, came forward and gave numerous statements.

Deb Andrews, 1235 A Street, came forward in opposition.

This matter was taken under advisement.

RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES FROM THE PROCEEDS OF THE CITY'S WATER REVENUE BONDS FOR EXPENDITURES RELATED TO IMPROVEMENTS TO THE CITY'S WATER SYSTEM - Don Herz, Interim City Finance Director, came forward and explained Public Works is issuing their Water Revenue Bonds in the late spring or early summer in the amount of about \$25 million. The City will typically ask Council to approve a reimbursement resolution in advance of the issuance of those debts. So if there are expenditures that occur, that can be paid from bond proceeds and the City is able to do so. Typically, the City will fund a portion of their projects with cash and a portion with bond proceeds. This resolution is just to cover the possibility of expenses with bond proceeds.

Leirion Gaylor Baird, Council Chair, inquired about the projects that might be paid with the bonds.

Donna Garden, Public Works, came forward and said the largest project that would use bond proceeds is the Fourth Collector Well. This project will be finished this year and will hopefully be in service in March, 2018, and that is approximately \$8-\$10 million which was in the CIP plan. There is also a new pump station in Southeast Lincoln that serves the area around 84th and Highway 2. There is also the Water Main Improvement Plan for the next two years that is funded by the bonds.

This matter was taken under advisement.

ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$17,500,000 AGGREGATE STATED PRINCIPAL AMOUNT OF GENERAL OBLIGATION HIGHWAY ALLOCATION FUND PLEDGE REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA - Don Herz, Interim City Finance Director, came forward and shared the City is continuously looking for opportunities to save money when it comes to outstanding bonds. In November, 2016, there will be an opportunity to refund some Street Construction Bonds and to save a significant amount of money.

Scott Keene, Ameritas, 5900 O Street, came forward and explained using it is a little over \$200,000 per year of savings throughout the final maturity of the original 2006 bonds. Without any plan to restructure or extend the amortization and just doing the refunding for interest rate savings will result in present value savings of more than \$1,800,000. That number represents a little more than 10% of the outstanding bonds. The GFOA typically looks at a current refunding like this one, that have savings in excess of 4%, being a good candidate. With Council's approval, the plan is to go to market with these bonds the week after Thanksgiving.

Jon Camp, Council Member, asked for current interest rates and what the anticipated new interest rate might be.

Mr. Keene said today's market would have a rate of about 1.8%. The conservative rate, based off earlier testimony is around 2%. The rates could actually rise a bit between now and the end of the month. Even if that were to happen, they are still in a good position to refund the bonds.

Mr. Camp asked what the current rate of the bonds are.

Mr. Keene confirmed they have an outstanding rate of 4.16%.

Cyndi Lamm, Council Member inquired about the \$1.3 million principle amount left to pay on the first bond. Has that amount been budgeted to pay and will that amount still be paid prior to the issuance of these bonds.

Mr. Keene explained the revenues that are used to repay these bonds and the City's outstanding 2012 Highway Allocation Bonds come from the payment of the gas taxes the City receives. Due to the conservative financial management, September of every year an amount sufficient to fund the debt service on these bonds is deposited into an account separate and apart from the construction funds which is the other use of the Highway Allocation Revenues. The money is currently sitting in the account, it has been budgeted for, and there will be a cash contribution to the refunding of these bonds to downsize the refunding bond issue. Even though there are \$17.4 million of outstanding bonds, the financing should be in the range of \$14 - \$15 million range. Some of that amount comes from the original issue premiums that the market provides, but a lot of it comes from cash that the City already has in hand that will help refund these bonds. The bonds that are scheduled to mature in May, 2017, will not get to their final maturity. They will get redeemed with the rest of the bonds early in January, 2017, but the money to repay the bonds are in the form of cash from the City. Discussion followed.

Mike Rodgers, Bond Counsel with Gilmore and Bell, 450 Regency Parkway, Omaha, came forward and stated the ordinance authorizes the same security as the outstanding bonds, so it will not obligate the City any more than what is currently obligated. The ordinance further specifies that the final maturity date cannot be further than May 15, 2027 and the minimum savings must be 4%. Discussion followed.

This matter was taken under advisement.

TEXT AMENDMENT 16009 – AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS BY AMENDING SECTION 27.69.090 TO ALLOW PERMITTED WALL SIGNS ON THE BUILDING FAÇADE OF PLACES OF RELIGIOUS ASSEMBLY, SCHOOLS, AND COMMUNITY PLAYHOUSES TO BE INCREASED TO A MAXIMUM OF 100 SQUARE FEET IF SUCH USE IS LOCATED 200 FEET FROM ANY STREET FRONTAGE, TO DELETE THE

REQUIREMENT THAT SUCH USE BE LOCATED IN AN AG OR AGR DISTRICT, AND TO PROVIDE THAT WHEN SUCH USE IS LOCATED A MINIMUM OF 100 FEET FROM ANY STREET FRONTAGE, THE PERMITTED WALL SIGN SHALL BE A MAXIMUM OF 50 SQUARE FEET, AND REPEALING SECTION 27.69.090 AS HITHERTO EXISTING - David Cary, Planning Department Director, came forward and shared this is applicable to places of religious assemblies, schools, and community play houses. Currently, there is a limitation based on the proposal, but there is a required 200 foot separation for a 100 square foot sign from public road. This has not been employed, and this proposal is mostly based on Lincoln Christian School for a project. They are currently closer to the street and they would like to be able to put a sign up on their wall. Planning Department is in support of this because it would be applicable to certain zoning usage City wide.

This matter was taken under advisement.

APPROVING THE 48TH & LEIGHTON REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND 48TH & LEIGHTON I, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 46TH AND 48TH STREETS, HUNTINGTON AND LEIGHTON TO CONSTRUCT TWO NEW BUILDINGS, FOUR AND FIVE STORIES RESPECTIVELY, COLLECTIVELY INCLUDING APPROXIMATELY 28,000 SQUARE FEET OF FIRST FLOOR COMMERCIAL AND RESIDENTIAL ABOVE FOR APPROXIMATELY 184 APARTMENT UNITS. (RELATED ITEMS: 16R-229, 16R-230, 16-99) (ACTION DATE: 11/7/16);

AMENDING THE FY 16/17 CIP TO AUTHORIZE AND APPROPRIATE \$5,000,000 IN TIF FUNDS FOR THE 48TH & LEIGHTON PHASE 1 PROJECT. (RELATED ITEMS: 16R-229, 16R-230, 16-99) (ACTION DATE: 11/7/16);

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE 48TH & LEIGHTON PHASE 1 PROJECT. (RELATED ITEMS: 16R-229, 16R-230, 16-99) - David Landis, Urban Development Director, came forward and explained this project is a public/private partnership. This site is specifically mentioned in the long term Comprehension Plan and identified as a multi use location. The developer, City Ventures, has taken a great deal of time to make sure this project fits well and connects with the neighborhood. This project is very distinctive for a number of reasons. First, City Ventures will be building private streets that connect to public streets and to the neighborhoods. They anticipate adding a lot of green area that will help the area. And finally, having close contact with the neighborhoods. The most recent meeting with the neighborhood had around 50 people attend and everyone seems very pleased with this project. The private investment by the developer is \$30 million, and the amount of TIF authorized is \$5 million. The \$5 million in TIF makes a difference whether or not a portion of the space will be commercial or residential. Residential is cheaper to build and requires less investment. There is also a \$4.3 million in TIF that will be used if commercial space is not built. It is difficult for the developer to know that fact. They have reached out to some commercial businesses, one of which is in the health care field to fill the commercial space, but it is too early to know which path the developers want to take. To use commercial space it has to be deemed commercial and have authorization of the Mayor. Once that is approved they can use up to \$5 million in TIF. The demolition is expected to begin as soon as possible. The ground floor commercial will, hopefully, be available in 2017 and the housing available in 2018.

Cyndi Lamm, Council Member, stated she knows there have been some TIF projects approved, but did not see any Tax Allocation Bonds and inquired about a different name being used.

Mike Rodgers, Bond Counsel with Gilmore and Bell, 450 Regency Parkway, Omaha, came forward and explained the term "Tax Allocation Bond" has been consistently used in the bond ordinances, they are more commonly known as TIF bonds. There is no statutory name for bonds once they are issued. In the name of a bond issue, the idea is to give prospective investors or purchasers an idea of what the security is they are purchasing. A tax allocation is an allocation of the increment to pay bond holders, and that is the term that has been used. Discussion followed.

Tom Huston, Cline Williams, 233 S. 13th Street, Suite 1900, came forward on behalf of 48th and Leighton 1 LLC, and stated this portion is phase 1 of this project. The Redevelopment Agreement will authorize the issuance of Tax Increment Financing in the amount of \$4.35 million. The Redevelopment Agreement represents the investment of approximately \$35 million by the redeveloper, 48th and Leighton 1 LLC. The protest value for determining the sizing of the Tax Increment Financing is at \$24,365,000. The Redevelopment Agreement anticipates using the \$4.3 million for site acquisition, not paying the entirety of the site acquisition, but paying approximately 60%. In addition, paying \$1 million for the site preparation, this includes additional flood plain work. There is approximable \$60,000 for street improvements, \$186,000 for facade improvements, and finally, there are some capital interest charges of approximately \$450,000 based upon the timing of the project. It will be about 2 ½ years from now that incremental taxes will be created by the project. Demolition is intended to happen this fall, and vertical construction in Spring, 2017.

Mr. Camp asked about the protest value of \$24 million and the anticipated amount of \$35 million.

Mr. Huston stated the project cost is approximately \$35 million and the protest value is the number the developer has to utilize based upon the formulas adopted by the County Assessor to project what the value would be of this project. There is always a disconnect between project costs and valuation. They try and project what the County Assessor will value it, and base their sizing of the Tax Increment Financing on a realistic number. There is no percentage or any discounts, they look at 184 units and what those will be valued at and look at 28,000 square feet of retail and how that will be valued. Then that sum is aggregated to be able to size the TIF. Discussion followed.

Mr. Camp inquired about the structure of the buildings.

Chris Erickson, City Ventures, 905 Jones Street, Omaha, came forward and explained all the commercial buildings will most likely be steel structured, concrete, podiums, and wood frame on the top. The residential space will also be wood framed.

Deb Andrews, 1235 A Street, came forward in opposition of using TIF funds.

Richard Halvorsen, 6311 Inverness Road, came forward in opposition of using TIF funds.

Mr. Huston stated the Tax Increment Financing is monitored very closely by the City. There is a process by which the developer has to certify that the costs were incurred and they have to be eligible costs for strict compliance with the Community Development Law.

Trent Fellers, Council Member, asked if the developer has to front the \$5 million through the TIF bond and repaying themselves over the 15 year period with their property tax payments.

Mr. Huston confirmed that to be correct. There are no tax payer dollars directly involved. The City will issue the \$4.3 million in Tax Increment Financing indebtedness, which will allow the developer to finance and they will continue to pay the base rate of what the property was worth and assessed at.

Mr. Erickson added that this project would not be possible without the Tax Increment Financing. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

ASSESSMENT RESOLUTION FOR DOWNTOWN CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 21, 2016, AT 5:30 P.M. - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-90045

Business Improvement District Act
Core Business Improvement District Overlay

Lincoln, Nebraska, October 31

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Core Business Improvement District Overlay including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Core Business Improvement District Overlay", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$190,300.87; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Core Business Improvement District Overlay.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 21st day of November, 2016, at 5:30p.m., and on the _____ day of _____, 2016, at _____ p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Cyndi Lamm

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ASSESSMENT RESOLUTION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 21, 2016, AT 5:30 P.M. - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-90046

Business Improvement District Act
Downtown Business Improvement District

Lincoln, Nebraska, October 31, 2016

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Business Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking

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regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Business Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$340,811.45; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Business Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 21st day of November, 2016, at 5:30 p.m., and on the _____ day of _____, 2016, at _____ p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Cyndi Lamm

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

**ASSESSMENT RESOLUTION FOR DOWNTOWN MAINTENANCE BUSINESS IMPROVEMENT DISTRICT
FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 21, 2016, AT 5:30 P.M. -
CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:**

A-90047

Business Improvement District Act
Downtown Maintenance Improvement District

Lincoln, Nebraska, October 31, 2016

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Maintenance Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Maintenance Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$240,311.00 that the property set forth in the proposed Distribution of Assessment is specially benefited by such activities and improvement; that each piece and parcel of property described is specially benefited in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 21st day of November, 2016, at 5:30 p.m., and on the _____ day of _____, 2016, at _____ p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Cyndi Lamm

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

**ASSESSMENT RESOLUTION FOR WEST HAYMARKET/DOWNTOWN MAINTENANCE IMPROVEMENT
DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 21, 2016, AT 5:30
P.M. - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:**

A-90048

Business Improvement District Act
West Haymarket/Downtown Maintenance Business Improvement District

Lincoln, Nebraska, October 31, 2016

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the Maintenance Work pursuant to Ordinance No. 19981 in the West Haymarket/Downtown Maintenance Business Improvement District including:

- a. Litter pick up from the sidewalks, planting areas, and beautification areas within the public right-of-way;
- b. Care and maintenance of all ornamental/small trees, shrubbery, and other plantings, but not including major street trees, which maintenance shall include watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead plantings;
- c. Maintenance of public sidewalks, which maintenance shall include periodic cleaning and sweeping of sidewalks to remove litter, dirt, liquid spills, food residue, and stains and bird droppings [such cleaning shall be by washing down where water is available]; and
- d. Snow removal from sidewalks located at intersections and handicapped ramps in high traffic areas,

be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the West Haymarket/Downtown Maintenance Business Improvement District", and made a part hereof; that the cost of said maintenance activities is the sum of \$56,841.00 that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the West.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 21st day of November, 2016, at 5:30 p.m., and on the _____ day of _____, 2016, at _____ p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Cyndi Lamm

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ASSESSMENT RESOLUTION FOR WEST HAYMARKET/DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 21, 2016, AT 5:30 P.M. - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-90049

Business Improvement District Act

West Haymarket/Downtown Core Management Business Improvement District

Lincoln, Nebraska, October 31, 2016

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the Core Management Work pursuant to Ordinance No. 19983 in the West Haymarket/Downtown Core Management Business Improvement District including:

- a. Planning and feasibility studies for civic projects and improvements, including projects identified in the 2005 Downtown Master Plan (including the 2012 Downtown Master Plan Update) that are located within the District;
- b. Capital costs of holiday decorations;
- c. Banners, lighting and other signage to create a core district identity;
- d. Enhanced maintenance and landscaping services;
- e. Cosmetic capital improvements, including streetscape design plans, landscaping, lighting, and sidewalk improvements;
- f. Public art;
- g. Tourism and visitor information services and promotions that benefit downtown hotels and the hospitality segment;
- h. Retail promotions to support shopping activity;
- i. Event management support and seed funds for new special events;
- j. Street furniture, including kiosks and benches;
- k. Other promotions and improvements within the West Haymarket/Downtown Core BID; and
- l. Staff support to support promotions and improvements within the West Haymarket/Downtown Core BID.

be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the West Haymarket/Downtown Core Management Business Improvement District," and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$81,403.79; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and promotions; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and promotions; that the cost of said activities and promotions is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the West Haymarket/Downtown Core Management Business Improvement District.

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BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 21st day of November, 2016, at 5:30 p.m., and on the _____ day of _____, 2016, at _____ p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Cyndi Lamm

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

**ASSESSMENT RESOLUTION FOR WEST HAYMARKET/DOWNTOWN MANAGEMENT BUSINESS
IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER
21, 2016, AT 5:30 P.M. - CLERK read the following resolution, introduced by Cyndi Lamm, who moved its
adoption:**

A-90050

Business Improvement District Act

West Haymarket/Downtown Management Business Improvement District

Lincoln, Nebraska, October 31, 2016

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the Management Work pursuant to Ordinance No. 19982 in the West Haymarket/Downtown Management Business Improvement District including:

- a. Economic development activities to improve the business climate of downtown with the goal of attracting and retaining businesses, jobs, and investment;
- b. Parking and transportation initiatives to make it easier for customers, employees and visitors to park in and get around the downtown;
- c. Supporting communications and advocacy efforts by the Downtown Lincoln Association to champion downtown interests and involve property owners, businesses and residents in crafting pro-active solutions to issues that affect West Haymarket/Downtown Management BID Boundary Area; and
- d. Supporting Downtown Lincoln Association professional staff that delivers programs and advocates on behalf of the West Haymarket/Downtown Management BID. Assist West Haymarket/Downtown Management BID property owners to project a unified voice and elevate their influence in policies and issues that affect the West Haymarket/Downtown Management BID business district. Funds are allocated to office and support services such as bookkeeping, office rent, insurance, office equipment and professional development and training for the staff and Downtown Lincoln Association board, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the West Haymarket/Downtown Management Business Improvement District," and made a part hereof; that the cost of said public activities is the sum of \$67,937.82; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities; that the cost of said activities is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the West Haymarket/Downtown Management Business Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 21st day of November, 2016, at 5:30 p.m., and on the _____ day of _____, 2016, at _____ p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Cyndi Lamm

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

**AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR CORE BUSINESS
IMPROVEMENT DISTRICT OVERLAY TO BE HELD ON MONDAY, NOVEMBER 21, 2016, AT 5:30
P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.**

**AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR DOWNTOWN BUSINESS
IMPROVEMENT DISTRICT TO BE HELD ON MONDAY, NOVEMBER 21, 2016, AT 5:30 P.M. - CLERK
presented said report which was placed on file in the Office of the City Clerk.**

**AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR DOWNTOWN
MAINTENANCE BUSINESS IMPROVEMENT DISTRICT TO BE HELD ON MONDAY, NOVEMBER
21, 2016, AT 5:30 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.**

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR WEST
HAYMARKET/DOWNTOWN MAINTENANCE IMPROVEMENT DISTRICT FOR BOARD OF
EQUALIZATION TO BE HELD NOVEMBER 21, 2016, AT 5:30 P.M. - CLERK presented said report which
was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR WEST
HAYMARKET/DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT FOR
BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 21, 2016, AT 5:30 P.M. - CLERK
presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR WEST
HAYMARKET/DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT FOR BOARD
OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 21, 2016, AT 5:30 P.M. - CLERK presented
said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY
COUNCIL ON OCTOBER 17, 2016 - CLERK presented said report which was placed on file in the Office of
the City Clerk. (27-1)

LINCOLN ELECTRIC SYSTEM FINANCIAL AND OPERATING STATEMENT FOR SEPTEMBER, 2016 -
CLERK presented said report which was placed on file in the Office of the City Clerk. (40)

PETITIONS & COMMUNICATIONS

REFERRED TO THE PLANNING DEPARTMENT:

Special Permit No. 384H, requested by Olsson Associates, to expand an existing health care facility for
additional facilities dedicated to skilled nursing and associated parking with an increase in the number of
residents allowed and with waiver for storm water detention, on property generally located at 4720 Randolph
Street.

Special Permit No. 463A, requested by REGA Engineering Group, Inc., for a veterinary facility, on property
generally located at 2000 North 112th Street. The Planning Commission action is final, unless appealed to the
Lincoln City Council.

Text Amendment No. 16006, requested by Roy Christensen, amending the Zoning Ordinance to allow theaters
as a permitted use in the B-5 zoning district after January 1, 2022, and to allow theaters with 250 seats or less
as a special permitted use in the B-2 and B-3 zoning districts.

Text Amendment No. 16011, requested by Architectural Design Associates, amending Section 27.67.066 of
the Lincoln Municipal Code, relating to Special Conditions: H-3 Zoning District (a) to include "contractor
services" in the list of uses with special parking conditions and update the names of several other uses to be
consistent with Section 27.06; and repealing Section 27.67.066 of the Lincoln Municipal Code as hitherto
existing.

LIQUOR RESOLUTIONS

APPLICATION OF BLINK RESTAURANTS, INC. DBA CULINARY UNDERGROUND FOR A CLASS C
LIQUOR LICENSE AT 728 Q STREET, SUITE B - CLERK read the following resolution, introduced by Jon
Camp, who moved its adoption for approval:

A-90051 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the
Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the
application of Blink Restaurants, Inc. dba Culinary Underground for a Class "C" liquor license at 728 Q Street,
Suite B, Lincoln, Nebraska, for the license period ending October 31, 2017, be approved with the condition
that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required
by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control
Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF NICK A. FRALEY FOR BLINK RESTAURANTS, INC. DBA CULINARY
UNDERGROUND AT 728 Q STREET, SUITE B - CLERK read the following resolution, introduced by Jon
Camp, who moved its adoption for approval:

A-90052 WHEREAS, Blink Restaurants, Inc. dba Culinary Underground located at 728 Q Street, Suite,
Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Nick A.
Fraley be named manager;

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WHEREAS, Nick A. Fraley appears to be a fit and proper person to manage said business.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Nick A. Fraley be approved as manager of this business for said licensee.
The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF LETICIA MARTINEZ AND MANUEL ALVAREZ CASTRUITA DBA TIA LETY'S RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 2701 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90053 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Leticia Martinez and Manuel Alvarez Castruita dba Tia Lety's Restaurant for a Class "I" liquor license at 2701 North 27th Street, Lincoln, Nebraska, for the license period ending April 30, 2017, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.
2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF KAREN R. GRAY FOR DANMAC, INC. DBA ~~THE KEG~~ GRAY'S KEG SALOON AT 104 NORTH 20TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90054 WHEREAS, Danmac, Inc. dba ~~The Keg~~ Gray's Keg Saloon located at 104 North 20th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Karen R. Gray be named manager;

WHEREAS, Karen R. Gray appears to be a fit and proper person to manage said business.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Karen R. Gray be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF RYAN W. ROSENSTIEL FOR SMALL TOWN BAR, INC. DBA ROSIE'S SPORTS BAR & GRILL AT 1501 CENTER PARK ROAD #300 - PRIOR to reading:

CAMP Moved to delay Public Hearing and Action 1 week to 10/7/16.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS, ARTICLE 1, SECTION 6, TO INCREASE FEES FOR REQUIRED SERVICES TO BUSINESS AND INDUSTRY - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90055 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Amendments to Article 1, Section 6, Fees, of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards that are attached hereto, marked as Attachment "A", and made a part hereof by this reference, are hereby approved and that City Council Resolution No. A-88531 adopted September 8, 2014 shall be superseded by the terms of this Resolution.

Introduced by Trent Fellers

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 1-15, 2016 - PRIOR to reading:

CAMP Move to amend Bill No. 16R-231 in the following manner:
On Line 10, the following claim should be removed from the list of ALLOWED/SETTLED CLAIMS:
Ernest S. Arrigo Revocable Trust \$5,820.00.
Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following resolution, introduced by Trent Fellers, who moved its adoption as amended:
A-90056 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the claims listed in the attached report, marked as Exhibit "A", dated October 17, 2016, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED CLAIM

Alan & Carol Grell \$857.38

ALLOWED/SETTLED CLAIM

~~Ernest S. Arrigo Revocable Trust \$5,820.00~~

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Trent Fellers

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN CITY EMPLOYEES ASSOCIATION (LCEA) FOR A TERM EFFECTIVE AUGUST 11, 2016 THROUGH AUGUST 31, 2018 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90057 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached labor contract between the City of Lincoln and the Lincoln City Employees Association (LCEA) to be effective August 11, 2016 through August 31, 2018, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Trent Fellers

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES FROM THE PROCEEDS OF THE CITY'S WATER REVENUE BONDS FOR EXPENDITURES RELATED TO IMPROVEMENTS TO THE CITY'S WATER SYSTEM - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90058 A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH ACQUIRING, CONSTRUCTING, EQUIPPING AND FURNISHING IMPROVEMENTS IN AND TO THE WATER SYSTEM OF THE CITY FROM THE PROCEEDS OF THE CITY OF LINCOLN, NEBRASKA, WATER REVENUE BONDS

BE IT RESOLVED by the Council (the "Council") of the City of Lincoln, Nebraska (the "City") as follows:

Section 1. Findings.

(a) The City has begun acquiring, constructing, equipping and furnishing certain improvements in and to the City's water system (the "Project"), and the City anticipates spending funds in the amount of approximately \$25,500,000 to pay the costs of the Project

(b) The City is authorized, pursuant to the provisions of (1) Sections 15-244 and 18-1803 to 18-805, inclusive, Reissue Revised Statutes of Nebraska, as amended, and (2) Sections 8 and 44 of Article IX of the City's Home Rule Charter, to issue and sell its water revenue bonds, and the City anticipates issuing such bonds in the principal amount of not to exceed \$25,500,000 (the "Bonds") in connection with the Project to finance all or a portion of the costs of the Project.

(c) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the Bonds and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations thereunder, including but not limited to Section 1.150-2 thereof (the "Regulations").

(d) The Code and the Regulations (collectively, the "Tax Law") require that the City declare its official intent to reimburse any original expenditures (except as set forth in the Tax Law) for costs of the Project with the proceeds of tax-exempt obligations not later than 60 days after the payment of such expenditures. The Tax Law requires that the Bonds be issued and a reimbursement allocation be made from the proceeds of the Bonds within 18 months after the later of the date (i) the original expenditure is paid or (ii) the Project is placed in service or abandoned, but in no event more than 3 years after the date the expenditure is paid.

(e) It is necessary, desirable, advisable and in the best interests of the City that it declare its official intent to permit the City to reimburse costs of the Project made by the City from the proceeds of the Bonds in accordance with the requirements of the Tax Law.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of the Tax Law, the Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the issuance of the Bonds in connection therewith, the interest on which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to the issuance of the Bonds, the City is authorized to advance money in an amount not to exceed \$10,000,000 for the purposes hereinbefore described.

(b) Except for (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) “de minimis expenditures” defined under Section 1.150-2(f)(1) of the Regulations, and (iii) “preliminary expenditures” defined under Section 1.150-2(f)(2) of the Regulations, no expenditures made in furtherance of the Project have been paid by the City more than 60 days prior to the adoption of this Resolution.

(c) The reasonably expected source of funds to be used to pay debt service on the Bonds will be the revenues generated from the ownership and operation of the water system of the City, which shall be sufficient to pay principal and interest on the Bonds and shall be pledged to the payment of the principal of and interest on the Bonds.

(d) The Bonds will be issued in the amount and upon the terms and conditions agreed to between the City and the purchaser of the Bonds for the purpose of paying all or a portion of the costs and expenses incident to the planning, acquisition, construction and financing of the Project, the Bonds to be authorized by the Council at a meeting held for such purpose.

(e) As of the date of this Resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than the contemplated issuance of the Bonds. This Resolution is consistent with the budgetary and financial circumstances of the City as they exist or are reasonably foreseeable on the date hereof.

(f) Notwithstanding any other provision of this Resolution, nothing contained herein is intended to obligate the City to issue the Bonds or to reimburse any particular expenditure.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an “Authorized Officer”) are hereby authorized to take any further action as such Authorized Officer shall deem necessary or desirable without further action by the Council to carry out the transactions contemplated by this Resolution.

(b) The Authorized Officers shall be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) The Authorized Officers shall be responsible for making any “reimbursement allocation” described in Section 1.150-2 of the Regulations by transferring the appropriate amount of Bonds proceeds to the City accounts used to temporarily finance some or all of the costs of the Project. Each allocation must be evidenced by an entry on the official books of the City maintained for the Project and shall specifically identify the original expenditure being reimbursed.

Section 4. Ratification. All acts and deeds heretofore done by any officer, employee or agent of the City, on behalf of the City, to preserve the City’s ability to reimburse expenditures made in furtherance of the Project with the proceeds of the Bonds are hereby ratified, confirmed and approved.

Section 5. Effective Dates. This Resolution will be in full force and effect from and after its passage and adoption by the Council and approval by the Mayor.

Section 6. Conflicting Resolutions Repealed. All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Introduced by Trent Fellers

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS

ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$17,500,000 AGGREGATE STATED PRINCIPAL AMOUNT OF GENERAL OBLIGATION HIGHWAY ALLOCATION FUND PLEDGE REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA - CLERK read an ordinance, introduced by Trent Fellers, an ordinance authorizing and providing for the issuance, sale and delivery of General Obligation Highway Allocation Fund Refunding Bonds, Series 2016 in an aggregated principal amount not to exceed \$17,500.00 for the purpose of providing for the payment and redemption of \$17,405.00 aggregate principal amount of the City's outstanding General Obligation Highway Allocation Fund Pledge Bonds; prescribing certain of the terms of the bonds; delegating, authorizing and directing the Finance Director to exercise his or her own independent judgment and absolute discretion in certain other terms and provisions of the bonds; pledging funds received from the Nebraska Highway Allocation Fund and providing for the levy of a tax on all of the taxable property within the city to pay the principle of and interest on such bonds; establishing the terms and condition upon which additional Highway Allocation Fund refunding bonds may be issued; and related matters, the second time.

TEXT AMENDMENT 16009 – AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS BY AMENDING SECTION 27.69.090 TO ALLOW PERMITTED WALL SIGNS ON THE BUILDING FAÇADE OF PLACES OF RELIGIOUS ASSEMBLY, SCHOOLS, AND COMMUNITY PLAYHOUSES TO BE INCREASED TO A MAXIMUM OF 100 SQUARE FEET IF SUCH USE IS LOCATED 200 FEET FROM ANY STREET FRONTAGE, TO DELETE THE REQUIREMENT THAT SUCH USE BE LOCATED IN AN AG OR AGR DISTRICT, AND TO PROVIDE THAT WHEN SUCH USE IS LOCATED A MINIMUM OF 100 FEET FROM ANY STREET FRONTAGE, THE PERMITTED WALL SIGN SHALL BE A MAXIMUM OF 50 SQUARE FEET, AND REPEALING SECTION 27.69.090 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Trent Fellers, an ordinance amending Chapter 27.69 of the Lincoln Municipal Code relating Signs by amending Section 27.69.090 to amend the exception allowing the permitted wall sign on the building facade of places of religious assembly, schools, and community playhouses to be increased from a maximum of 20 square feet to 100 square feet if such use is located a minimum of 200 feet from any street frontage, to delete the restriction that such use is located in an Ag or Agr district, and to provide that when such use is located a maximum of 50 square feet, and repealing Section 27.693090 is hitherto existing, the second time.

APPROVING THE 48TH & LEIGHTON REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF LINCOLN AND 48TH & LEIGHTON I, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 46TH AND 48TH STREETS, HUNTINGTON AND LEIGHTON TO CONSTRUCT TWO NEW BUILDINGS, FOUR AND FIVE STORIES RESPECTIVELY, COLLECTIVELY INCLUDING APPROXIMATELY 28,000 SQUARE FEET OF FIRST FLOOR COMMERCIAL AND RESIDENTIAL ABOVE FOR APPROXIMATELY 184 APARTMENT UNITS. (RELATED ITEMS: 16R-229, 16R-230, 16-99) (ACTION DATE: 11/7/16)

AMENDING THE FY 16/17 CIP TO AUTHORIZE AND APPROPRIATE \$5,000,000 IN TIF FUNDS FOR THE 48TH & LEIGHTON PHASE 1 PROJECT. (RELATED ITEMS: 16R-229, 16R-230, 16-99) (ACTION DATE: 11/7/16)

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE 48TH & LEIGHTON PHASE 1 PROJECT. (RELATED ITEMS: 16R-229, 16R-230, 16-99) - CLERK read an ordinance, introduced by Trent Fellers, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$5,000,000 for the purpose of (1) paying the cost of acquiring, purchasing, constructing, reconstructing, improving extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's 48th & Leighton Phase 1 Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

ORDINANCES - 3rd READING & RELATED RESOLUTIONS

STREET NAME CHANGE 16001 - RENAMING A PORTION OF PINE LAKE ROAD GENERALLY LOCATED EAST OF THE INTERSECTION OF SOUTH 75TH STREET AND PINE LAKE ROAD TO ARCHER LANE PLACE - PRIOR to reading:

ESKRIDGE Move to amend Bill No. 16-96 as follows:

1. On page 1, line 2, strike “Lane” and replace with “Place”.
2. On page 1, line 6, strike “Lane” and replace with “Place”.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read an ordinance, introduced by Carl Eskridge, an ordinance changing the name of a portion of Pine Lake Road generally located east of the intersection of South 75th Street and Pine Lake Road to Archer Lane Place as recommended by the Street Name Committee, the third time.

ESKRIDGE Moved to pass the ordinance as amended.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20381**, is recorded in Ordinance Book 31.

CHANGE OF ZONE 16025 - APPLICATION OF JANE K. BAUER FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 60TH STREET AND WITTSTRUCK ROAD - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance amending the Lincoln Zoning District adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

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ESKRIDGE Moved to pass the ordinance as read.
 Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.
 The ordinance, being numbered **#20382**, is recorded in Ordinance Book 31.

RESOLUTIONS - 1ST READING

- REAPPOINTING BRENDAN J. MOORE, GARRY LEE MORGAN, AND DAN G. PETERSEN TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR TERMS EXPIRING NOVEMBER 1, 2019. *(CONSENT)*
- APPOINTING DEANE FINNEGAN, TRACY EDGERTON, AND THOMAS BECKIUS TO THE LINCOLN- LANCASTER COUNTY PLANNING COMMISSION FOR TERMS OF JANUARY 1, 2017 THROUGH AUGUST 24, 2021. *(CONSENT)*
- APPOINTING SANDRA WASHINGTON TO THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION FOR A TERM EXPIRING AUGUST 24, 2019. *(CONSENT)*
- REAPPOINTING JAMES CROOK, BOB RIPLEY, JOE TIDBALL, AND KATHI WIESKAMP TO THE PARKS AND RECREATION ADVISORY BOARD FOR TERMS EXPIRING APRIL 27, 2019. *(CONSENT)*
- APPOINTING HANNAH CASS AND JUSTINE LINSOTT TO THE PARKS AND RECREATION ADVISORY BOARD FOR TERMS EXPIRING JUNE 1, 2017. *(CONSENT)*
- APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND BRYAN MEDICAL CENTER TO PROVIDE LAB SERVICES TO EMPLOYEES FOR A FOUR YEAR TERM OF NOVEMBER 1, 2016 THROUGH OCTOBER 31, 2020.
- SPECIAL PERMIT 300C – APPEAL OF JEFF MONZU FROM THE PLANNING COMMISSION’S APPROVAL OF A SPECIAL PERMIT TO ALLOW FOR RECONSTRUCTION OF A NON-CONFORMING FACILITY, WITH WAIVERS TO INCREASE THE ALLOWABLE SQUARE FOOTAGE, INCREASE THE NUMBER OF ALLOWABLE PARKING SPACES, AND INCREASE THE NUMBER OF ALLOWABLE MEMBERS RESIDING ON THE PREMISES, ON PROPERTY GENERALLY LOCATED AT 3601 APPLE STREET.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED) - NONE.

ADJOURNMENT

4:15 P.M.

CAMP Moved to adjourn the City Council Meeting of October 31, 2016.
 Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers,
Gaylor Baird, Lamm, Raybould; NAYS: None.

Teresa J. Meier, City Clerk

Monet J. McCullen, Office Specialist